

**U.S. COMMISSION ON CIVIL RIGHTS**  
**E.O. 13985 EQUITY ACTION PLAN**  
**Submitted January 20, 2022**

**Executive Summary**

The U.S. Commission on Civil Rights is an independent, bi-partisan, fact-finding agency whose mission is to inform on the development of national civil rights policy and enhance enforcement of federal civil right laws. We pursue this mission by studying alleged deprivations of voting rights and alleged discrimination based on race, color, religion, sex, age, disability, national origin, and the administration of justice. We accomplish this objective through holding public briefings and hearings on critical civil rights issues and publishing significant civil rights studies and reports.

The Commission's organizational structure and political nature is distinctive. Our team is comprised of nearly 40 full time employees with no components or bureaus and a centralized budget that supports all our programs. The Commission also has 56 advisory committees comprised of volunteer members whose role is to advise the Commission on the status of civil rights in their respective states and U.S. territories. The Commission is led by the Staff Director, the administrative head of the agency, and eight politically appointed Commissioners who serve as Special Government Employees. Presently, the Commission is split 4-4; equally divided between Democrat and Republican appointees.

The central focus of the Commission – improving the enforcement of federal civil rights laws and strengthening civil rights policy and thereby *advancing equity, civil rights, racial justice, and equal opportunity for all* – is the same thinking behind the Commission's internal approach to advancing equity practices and policies.

As part of its Equity Action Plan to more equitably serve the public, the Commission plans to focus on the following three barriers. First, the agency aims to streamline and refine its self-referral complaint processing mechanism. We plan to review our current process for tracking complaints and seek to improve that process with updated technological resources and by making information on how to file complaints, more visible and accessible on our public website. Better technology and more resources devoted to this barrier will allow the agency to serve as a more efficient clearing house through improved service to complainants, accurate complaint data, and accurate reporting. Second, the agency plans to focus on our Advisory Committees. Here, we aim to streamline our process for appointing members of the public to sit on the committees and achieve a more diverse set of members and specifically those from underserved communities. The agency plans to review its internal policies on approving appointments and to look for ways to make the process less bureaucratic. Also, with respect to the Advisory Committees (ACs), the agency aims to engage underserved communities through facilitating access to our public meetings via improved translation and interpreter services. With improved language services will come increased and wide-spread participation and engagement from underserved communities both by increasing the diversity of the ACs themselves and the public that engages with the ACs. Third, the agency currently aims outreach to underserved communities and will work to increase the number of contracts it awards to Small Disadvantaged Businesses (SDBs) as well as those

businesses who serve/work with underserved communities. The agency plans to review its procurement processes to ensure that RFQs, RFPs and solicitations are reaching SDBs and other socio-economic groups. The agency seeks to address this barrier through. Thru the use of SAM.GOV and GSA e-schedules contracts. CCR will create a baseline at the end of this fiscal years by tracking contracts in our monthly report. The tracking of contracts will allow USSCR to determine whether we are actually increasing contracting to SDBs and underserved communities.

### **Summary of Action Plan**

To overcome the barriers highlighted above, the agency plans to take the following actions:

1. Review internal processes and policies to identify bottlenecks, gaps, and areas for improvement.
2. Where applicable, revise processes and policies and implement changes/improvements.
3. Identify nonmonetary solutions/improvements.
4. Where applicable, implement nonmonetary solutions/improvements into processes and programs.
5. Identify human capital needs and source technological tools to improve processes and programs.
6. Request additional resources to meet identified staffing and technology needs.

### **Summary of Early Accomplishments**

- Highlight the agency's standing up of the new territory advisory committees and engagement to provide diverse language services to committees in territories such as Guam and Puerto Rico.
- Highlight our work with the Knowesis Group contractor and our concerted efforts to recruit a broader range of advisory committee members.

Focusing existing and future monetary and non-monetary capital on improving and building more robust Information Technology systems for electronic complaints (eComplaints).

### **Equity Action Plan**

The agency has identified three programs/policies that are barriers to equal opportunity and benefits for people of color and other underserved groups.

- 1. Modernize the process and technology the agency uses to track self-referred complaints to support civil rights enforcement.**

The agency, in addition to its other functions of holding public briefings and issuing studies and reports on a wide range of civil rights issues, serves as a clearing house for outside civil rights complaints. This service provides a mechanism for the public to send complaints to the agency and the agency refers the complaints to the appropriate federal or

state entities. Through this service, the agency assists the public in locating the correct forum for complaints and promotes a greater public awareness of civil rights issues, protections, and enforcement.

Presently, the complaint referral program is managed by one team member and tracked manually. Moreover, the process lacks a centralized electronic collection tool and as a result, complaints are received via U.S. mail, email, and via phone. Additionally, the agency's outdated website does not clearly describe the complaint referral process and steps to refer.

As a result of the aforementioned barriers, processing and referrals are delayed and the lack of technology makes tracking and aggregating complaint data arduous if not impossible (i.e. tracking the annual number of complaints referred, referred agency, base(s), timeframe, resolutions, etc.). Complainants are impacted by the inability to quickly access information on how or where to file a complaint and the lack of agency resources creates delays in referring complaints. Finally, the lack of transparency and ability for complainant to track their complaints creates mistrust in the system. Individuals with disabilities and LEP individuals are negatively impacted by this barrier. The agency recognizes that this is a critical deficiency as Complainants have suggested our system is not user friendly and likewise, agency team members criticize the inability to properly and efficiently carry out duties related to this program. Modernizing the self-referral complaint process is a priority as it will aid the agency in providing this important service and help rebuild the public's trust in the government that their grievances will be heard.

The agency aims to overcome this barrier through achieving the following progress indicators in the eventual goal of creating a comprehensive civil rights eComplaints system at USCCR. First, by the creation of an IT system for e-filing complaints is installed and working (this is a process indicator or output indicator). Second, Complainants are able to track progress of their case in the system. Third, the system can track the number of complaints received, processed, and resolved. Finally, USCCR is able to generate reports on complaints and analyze/disaggregate by theme (housing, employment, education, etc.) and by demographic data. to

The agency will continue to monitor these progress indicators on a quarterly basis. Given additional monetary and human capital resources the agency should be able to eliminate many of these barriers within two to three years. In three to four years success will look like a member of the public being able access to the agency's website to determine where they should file their complaint and to determine if that agency has actually received and favorably or unfavorably resolved the complaint. USCCR would be able to report on all elements of a complaint.

**2. Provide increased language access for public Advisory Committee meetings, streamline the advisory committee appointment process, and improve outreach for greater engagement with underserved communities.**

The agency has 56 State and U.S. Territory Advisory Committees (AC). Each AC is composed of citizen member volunteers familiar with local and state civil rights issues. The members assist the Commission with its fact-finding, investigative, and information dissemination functions. Committee meetings are open to the public via telephonic services or other remote video conferencing services. New ACs have been established in U.S. territories in the Pacific such as Guam, which present unique language barrier issues.

**A. Increase language access and diversity**

It is critical that all members of the public can participate in these AC meetings despite language barriers and that AC members can express themselves in their local languages. To that end, the agency aims to offer greater language accessibility at public meetings through improved interpretation and translation services.

The agency plans to address this barrier through partnering with the National Language Service Corps to provide expanded language services at our public AC meetings. This barrier impacts LEP individuals and individuals with disabilities. The expansion of language and interpreter services to the Advisory Committee meetings will allow for recruitment of more diverse AC members and equal access to public meeting for individuals who are limited in their English proficiency and individuals with visual and hearing impairments. Expanding language and interpreter services for advisory committee public meetings is a priority for the agency as it understands the value of the public's participation in these meetings. Furthermore, the agency relies on input from the public through testimony at public comment sessions as evidence in its reports on civil rights issues to help meet the agency's mission of informing the public and Congress about ongoing civil rights issues and developments.

**B. Streamline AC appointment process**

What factors will the agency use to determine whether the agency action(s) has eliminated or substantially reduced the barrier to equitable access identified above in the near- to mid-term (2-4 years out). Describe how the agency will hold itself accountable to implementing this action. Under the Federal Advisory Committee Act, members of advisory committees must represent diverse viewpoints on the subject the committees' study.

Agencies create balance plans to define how their particular advisory committees will be balanced to demonstrate this diversity. Currently, the agency balance plan and the appointments of AC members are approved by the Commissioners, These Commissioners total eight (8) and the Commission is bipartisan in nature, but frequently cannot reach a majority required to take official action. Given this, the constitution of the individual ACs is subject to political appointments and

there is no assurance they will be diverse in nature beyond the Commissioners desire to balance the committees exclusively by political affiliation or ideology the agency seeks to streamline the advisory committee appointment process. The agency will review its policies on appointments and assess whether its current internal political process is outdated and determine if it is feasible to allow the Staff Director, who is designated the agency head under FACA, to create the balance plan that will redefine the diversity of viewpoints required on committees so that it will encapsulate diverse experience of members based upon the federally protected classes. Such a balance plan may require Commissioners appoint members that, in addition to having diverse political representation, have a demonstrated interest or experience in working with communities that experience discrimination based upon each of the federally protected categories, for example. Alternatively, the balance plan and Advisory Committee charter could be amended to require at least some members to be representatives of organizations that work with different federally protected categories. The agency's advisory committees are the eyes and ears of the Commission in all 50 states plus the territories. Committee appointments will be made on time and committees can begin their work as soon as appointments are made. Furthermore, these actions will bring transparency to the appointment process and timely appointments will allow each committee to operate to its full potential.

What factors will the agency use to determine whether the agency action(s) has eliminated or substantially reduced the barrier to equitable access identified above in the near- to mid-term (2-4 years out). Describe how the agency will hold itself accountable to implementing this action.

#### C. Increase engagement with underserved communities

The agency seeks to diversify the makeup of its Advisory Committees to include more members from underserved communities. As described above, USCCR plans to diversify AC membership and public engagement, both in its new territory ACs and in its existing state ACs, by increasing accessibility to, and use of, non-English languages. The Supreme Court has tied language to national origin status. The agency also will to hire a stakeholder engagement specialist (or make the role a collateral duty of an existing employee) to develop outreach strategies to build upon the agency's existing relationships with organizations that represent and/or serve underserved communities to increase the diversity of AC membership and the public that engages with the various ACs. This barrier impacts underserved communities as it obstructs representation of underserved individuals on the committees. Implementing these actions will allow for full participation from individuals from underserved and remote communities.

The factors USCCR will use to measure if it is reduced or eliminated identified barriers and increased equitable access will be: increased AC publications, membership, or public engagement in diverse languages, and increased AC recruitment and outreach based on racial, ethnic, lingual, political, disability status, age, and religious diversity based on measurable metrics such as 10 percent in years 1-2 and 20 percent more diversity recruitment and advertising in years 3-4 so results can be tracked as measurable benchmarks.

**3. Increase contract awards to Small Disadvantaged Businesses and Minority Business Enterprises.**

The agency has limited resources to include staffing, funding and technology which are barriers to MBEs and other underserved communities seeking government procurement opportunities. The agency will take steps that result in increased awards to businesses in underserved communities and/or Minority Business Enterprises (MBEs). Staff will review internal policies to ensure that procurement opportunities are shared with minorities and businesses located in underserved communities. Staff will also identify factors that historically limited MBEs access to USCCR contracts. To overcome the identified factors, USCCR will use government platforms that have the capability of targeting those underserved communities.